IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.192 OF 2006

IN

FAMILY COURT APPEAL NO.46 OF 2006

Mrs.Shilpa Sagar Solanki : Applciant.

versus

Mr.Sagar Bhikamchand Solanki : Respondent.

Mr.M.V.Gangal for the applicant.

Mr.M.B.Badkar for the respondent.

CORAM : D.G.DESHPANDE

SMT.R.S.DALVI, JJ.

DATED : NOVEMBER 21, 2006.

P.C.

1. This is an application filed by wife for maintenance pending appeal. Earlier while the petition of husband was pending before the Family Court, Pune, the Judge of Family Court has

awarded maintenance of Rs.2000/- per month to the wife by an order dated 30th June 2005 as interim alimony for herself and her two children. Therefore in any case the maintenance to be awarded to the wife cannot be less than Rs.2,000/- irrespective of the fact that, according to the husband, the children are now residing with the parents of husband.

2. In order to substantiate her contention that husband has source of income from a shop running under the name and style "Shop-In" opened on 1st June 2006, the applicant/wife has produced a copy of invitation card at Exhibit C Colly. The invitees, as per this invitation card, are the father and mother of the husband. Leaflet or brochure shows that the shop would be dealing with for Trendy gift articles, stationery, cosmetics, perfumes & Deodorant, exclusive crockeries, mobiles & phones, kids wear, soft toys & many more. According to the husband, he is not the owner of that shop, but his father and mother are the owners of the shop and he is serving in somebody-else’s shop on monthly salary of Rs.3,000/-.

3. It is difficult to belive the story put forth by the husband that when his aged parents are the owners of Shop-In, he would not take part in the business and would, instead, serve somewhere-else Therefore, considering this submission and grant of Rs.2,000/-as maintenance, we allow this application.

4. The husband to pay maintenance to the wife at the rate of Rs.4,500/- per month from the date of this application. Arrears to be cleared within a period of three months from today and thereafter husband to go on paying Rs.4,500/- before 10th of every month. Payment should be made directly by money order or by draft. Civil Application is disposed of.

[D.G.DESHPANDE,J]

[SMT.R.S.DALVI, J]